

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT J. DILLON,

Plaintiff

Case No. 2:20-cv-02319-APG-NJK

**ORDER**

v.

CORRECTION CORPORATION OF  
AMERICA, *et al.*,

Defendants

**I. DISCUSSION**

On December 22, 2020, Plaintiff, an inmate in the custody of the Nevada Southern Detention Center (“NSDC”), submitted a civil rights complaint under 42 U.S.C. § 1983, Docket No. 1-1. Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **February 22, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with

all three required documents or pay the full \$402 filing fee on or before **February 22, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is either able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **February 22, 2021** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## **II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **February 22, 2021**, Plaintiff will either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action

1 on or before **February 22, 2021**, this case will be subject to dismissal without prejudice for  
2 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three  
3 documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$402  
4 filing fee.

5 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
6 No. 1, but will not file it at this time.

7 IT IS SO ORDERED.

8 DATED: December 23, 2020

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12 NANCY J. KOPPE  
13 UNITED STATES MAGISTRATE JUDGE  
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